

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Kim Davis, Director, AOC Office of Court Construction and Management,  
415-865-7971, kim.davis@jud.ca.gov  
Kelly Popejoy, Manager of Planning, AOC Office of Court Construction  
and Management, 818-558-3078, kelly.popejoy@jud.ca.gov

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SUBJECT: Court Facilities Planning: *First Circulation Draft of the Prioritization  
Methodology for Trial Court Capital-Outlay Projects (Action Required)*

Issue Statement

The Administrative Office of the Courts (AOC) has developed a new and simplified policy for prioritizing trial court capital-outlay projects that focuses on the main goals of the court facility improvement program. AOC staff anticipates that adoption of this policy will change the relative priority of projects from the current ranked list of projects, as presented in the *Judicial Branch Assembly Bill 1473 Five-Year Infrastructure Plan Fiscal Year 2007–2008*, which was adopted by the council on February 24, 2006. This policy supports the mission and policy direction of the Judicial Council in its long-range strategic plan—Goal III, Modernization of Management and Administration—by providing safe and secure facilities and improving existing court facilities to allow adequate, suitable space for the conduct of court business. This policy has been developed based on input from the Interim Court Facilities Panel<sup>1</sup> (the panel), and the panel’s directives are reflected in the staff recommendation.

Recommendation

Staff of the Administrative Office of the Courts recommends that the Judicial Council take the following actions:

1. Adopt the *Prioritization Methodology for Trial Court Capital-Outlay Projects*.
2. Direct AOC staff to apply the methodology and develop a prioritized set of grouped projects for adoption by the council.

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<sup>1</sup> According to rule 6.15(d) of the California Rules of Court, the panel consists of at least two trial court judges, one appellate court justice, and two court administrators, each appointed by the Chief Justice from the members of the Judicial Council. The panel members must include at least one member from each of the Judicial Council’s other internal committees. Furthermore, according to rule 6.15(b), the panel must review and consult with the AOC on matters concerning court facilities and must review proposals involving such matters before they are considered by the full council.

## Rationale for Recommendation

### *Recommendation 1*

In February 2005, the panel directed AOC staff to consider alternative ways to reprioritize trial court capital projects, based on review of the current list of prioritized projects and the consideration of several factors not applied in the prioritization procedure adopted by the council in August 2003 (2003 Procedure), including seismic condition and capacity to provide court services. Since that time, staff has studied the 2003 Procedure and has reviewed how other institutions prioritize their capital-outlay projects. Staff also developed some initial concepts, which were presented to the Court Facilities Transitional Task Force<sup>2</sup> (the task force) at meetings held on March 10, 2005, and September 21, 2005, and to the panel on October 20, 2005. A proposed prioritization methodology was presented to the task force on February 22, 2006, to elicit comment. The panel reviewed this methodology and considered the task force's comments at a meeting on February 23, 2006. The proposed prioritization methodology presented in this report incorporates the panel's directives.

Based on the meetings noted above, three main goals were established for the prioritization of trial court capital projects:

- Clearly link prioritization criteria to the main objectives of the Judicial Council and the trial court capital-outlay program;
- Develop a simple and transparent prioritization methodology; and
- Leverage assessments of the 2003 Procedure and its available data to the greatest extent possible.

The proposed methodology meets these goals and will result in two main changes to the list of prioritized trial court capital projects presented in the *Judicial Branch Assembly Bill 1473 Five-Year Infrastructure Plan Fiscal Year 2007–2008*. First of all, the methodology will reduce the number of trial court projects from the previously adopted list of 201 projects. Specifically, this list will no longer include projects that had 2004 Review of Capital Project—Prioritization (RCP) scores of zero as calculated from the 2003 Procedure, that are fully funded, that have been completed by the local county government, that are eligible for the facility modification program and funding, or that a court had requested for deletion. Second, the methodology will result in a set of ranked groups of projects, rather than a list of sequentially ranked projects. As a result, all Immediate Need projects—those addressing all objectives of the capital improvement program in significant ways and receiving the highest points in the proposed prioritization methodology—will be considered the first group of projects eligible for funding. However, if a building or buildings affected by a

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<sup>2</sup> According to rule 6.60(a) of the California Rules of Court, the task force provides the AOC with advice and recommendations on issues related to appellate and trial court facilities, including, but not limited to: (1) acquisition, space programming, construction, and design; (2) maintenance and operation; (3) transfer of responsibility for trial courts from the counties to the state; and (4) policies and procedures. Its members consist of at least one person from each of the following categories: appellate court justices; trial court judicial officers; appellate court administrators; trial court administrators from large, metropolitan counties; trial court administrators from nonlarge, metropolitan counties; and members of the State Bar of California. Other members may be appointed by the Chief Justice, as indicated under rule 6.60(b)(2)–(3) of the California Rules of Court.

project in this group has not yet transferred to the state, then that project will not be recommended to the panel for funding. After a building affected by the project has transferred to the state, AOC staff will then make a funding recommendation to the panel and then to the Judicial Council. In the event there are limited funds available to implement projects in a group, funding requests to be submitted by AOC staff to the panel will be based on an analysis of the following information, in this order: (1) rating for Security criterion, (2) economic opportunity, and (3) replacement of leased space for approved new judgeships.

AOC staff will continue to request funds for subsequent phases of projects for which funding has been requested.

Due to likely limitations on capital-outlay funding, the capital-outlay program may not be the mechanism to correct all of the very poor conditions currently present in court facilities. However, after buildings with very poor conditions are transferred to the state, these conditions can be addressed through funding available from the facility modifications program, which is based on the prioritization methodology adopted by the council on December 2, 2005.

#### *Recommendation 2*

AOC staff has been collecting and reviewing available data for use in evaluating each project relative to the four criteria (i.e., Security, Overcrowding, Physical Condition, and Access to Court Services) of the proposed prioritization methodology. This data has been primarily derived from the figures published in the 2004 RCP forms, which were developed to evaluate each capital project based on the 2003 Procedure. This data was initially generated from the reports published by the Task Force on Court Facilities and the 2002 Facilities Master Plans. Data used for the Access-to-Court-Service criterion will be provided by the AOC Office of Court Research.

AOC staff will solicit comments from the courts on the data to be used in applying the prioritization methodology to each project. Staff will also resolve any data-related issues with the local courts prior to the preparation of any final evaluation of projects. After all data confirmation has been completed, AOC staff will apply the proposed prioritization methodology to the data and prepare a set of ranked groups of trial court capital projects for council approval later in 2006.

#### Alternative Actions Considered

This description of alternative actions considered includes those based on comments received from the panel, the task force, and the courts. Alternative actions have been grouped by topic. (The AOC will include a summary of all court comments for the panel's and Judicial Council's review, once they have been received).

#### *Program objectives and related criteria*

Cost-effectiveness was initially considered as one of the key objectives of the trial court capital-outlay program, and the evaluation of a project's cost-effectiveness relative to other

projects was proposed as one of the four criteria for prioritizing projects. This concept was discussed with both the panel and the task force. Members of these bodies raised the concern that projects for courts in rural counties may not be cost-effective, and that if the methodology were to include this criterion, it would be biased against small courts. Staff raised concerns about the difficulties involved in collecting appropriate and reliable data to develop a cost-effectiveness criterion that could be fairly applied to each project. Members of the panel recommended that cost-effectiveness be considered as one of the factors in selecting among projects for initial funding requests. Both the task force and the panel recommended that access to court services be a key program objective. Staff incorporated this directive into the proposed methodology.

#### *Access-to-court-services criterion*

Staff considered various ways to evaluate how a project would improve access to court services. Use of weighted case filings was favored over resident population as a way to measure the volume of cases a court receives. Staff considered using courtrooms, judicial resources, staff resources, or some combination of these to normalize the weighted caseload data for comparison purposes among courts. Owing to lack of available data, staff could not develop a project-specific measure involving weighted case filings for the specific buildings affected by each project. Consequently, a countywide measure of relative deficiency in judicial resources—to be applied to each project in a county—is recommended as a simple way to indicate relative access to a county's court services.

#### *Assigning points to each criterion*

Staff proposed a system whereby a project would receive either one point or no points for a given criterion. The panel preferred a graduated evaluation system in which a range of points is assigned to a project based on the evaluation of each criterion.

#### *Use of 2004 RCP ratings to measure Physical Condition, Security, and Overcrowding criteria*

Staff proposed two options for applying the available 2004 RCP ratings when more than one building is affected by a project. One option was to use the ratings of the worst-evaluated building affected by the project. This option was rejected, however, because the worst-rated building is not always the largest building affected by the project. The second option, which has been incorporated into the proposed prioritization methodology, is to determine ratings based on the proportional share of the area of each building affected. This option was considered by the task force and panel members as more fairly representing the ratings of each building affected by a project.

#### *Weighting of each criterion*

Weighting of each criterion was discussed with both the task force and the panel. Task force members viewed security as a primary objective of the capital program. They discussed the synergy between overcrowding and security, in that overcrowding exacerbates a facility's lack of security. They also noted that the components of the overall physical condition score, relating to life safety, should be emphasized. With only four criteria, even weighting

has the result that each criterion represents 25 percent of the total points for each project. Consequently, compared to the 2003 Procedure, each of the four criteria represents a far greater proportion of the total possible points for which each project is eligible in the proposed prioritization methodology. Panel members directed AOC staff to evenly weight the four criteria.

#### *Seismic condition*

If legislation allowing the state to assume responsibility for or title to Seismic Risk Level V buildings passes, seismic condition will need to be included in the prioritization methodology. Several options were evaluated. One option considered was to automatically assign to the Immediate Need group any project that replaces or renovates a Seismic Risk Level V facility. Although this option was compelling to some members of both the task force and the panel, each body ultimately concluded that it would emphasize seismic deficiencies over all other criteria and would not support a balanced approach to prioritizing trial court capital projects based on the four key program objectives. Staff was directed to incorporate the option, presented in the proposed prioritization methodology, in which the maximum possible points for the Physical Condition criteria be assigned to a project affecting one or more Seismic Risk Level V buildings if legislation allowing the state to assume responsibility for or title to Seismic Risk Level V buildings passes.

#### *County allocation of funds*

AOC staff presented an alternative to the panel in which the allocation of available funds could be made to each court in proportion to their respective county's population. The panel rejected this proposal, based on the finding that inadequate funds could be allocated to counties with relatively higher needs, or vice versa, and that county-level prioritization is not the goal of a statewide plan for improving court facilities in California.

#### Comments From Interested Parties

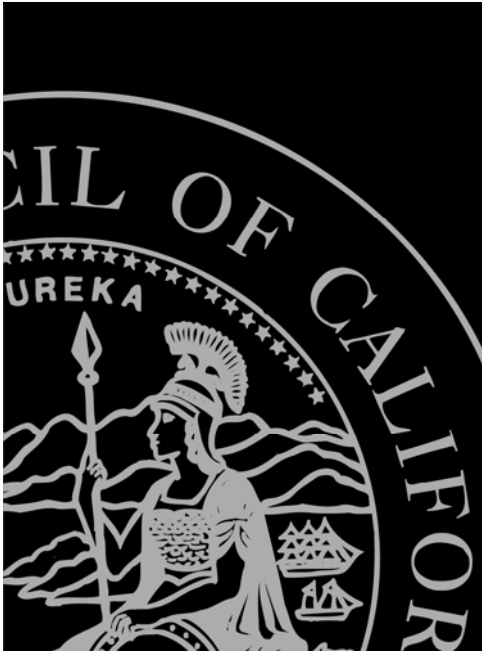
A draft of this report will be posted for four weeks on the California Courts Web site at [www.courtinfo.ca.gov/programs/occm](http://www.courtinfo.ca.gov/programs/occm), and comments will be solicited through an e-mail to all trial court presiding judges and executive officers. The comment period will close on April 10, 2005.

The panel will review all comments received from the local courts on April 20, 2006, and its directives will be incorporated into the proposed methodology. A summary of all comments submitted from the courts and the general public, along with AOC's responses, will ultimately be attached to the final report for council review in June 2006.

#### Implementation Requirements and Costs

Development of the attachment was performed by AOC staff.

Attachment



# Prioritization Methodology for Trial Court Capital-Outlay Projects

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FIRST CIRCULATION DRAFT

MARCH 13, 2006



ADMINISTRATIVE OFFICE  
OF THE COURTS

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OFFICE OF COURT CONSTRUCTION  
AND MANAGEMENT

## I. Purpose of the Methodology

This methodology has been prepared to develop a set of prioritized groups of trial court capital-outlay projects and to guide AOC staff in recommending to the Judicial Council the submission of funding requests for such projects to the executive branch.

This methodology has been developed to:

- Clearly link prioritization criteria to the main objectives of the Judicial Council and the trial court capital-outlay program;
- Develop a simple and transparent prioritization methodology; and
- Leverage assessments of the 2003 Procedure and its available data to the greatest extent possible.<sup>1</sup>

The methodology has three main components, which work to:

- Establish criteria that furthers the main objectives of the trial court capital-outlay program;
- Develop ranked groups of projects rather than a ranked projects list;
- Establish guidelines for recommending capital-outlay projects for funding; and
- Establish prioritization-eligible projects, with the intended result of reducing the previously adopted list of 201 trial court capital projects, which was most recently adopted by the Judicial Council in February 2006.<sup>2</sup>

## II. Definitions

### A. Trial Court Capital-Outlay Projects

*Trial court capital-outlay projects* are considered those that increase a facility's gross area, such as a building addition; that substantially renovate a major portion of a facility; that comprise a new facility or an acquisition; or that change the use of a facility, such as the conversion from noncourt use to court use.

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<sup>1</sup> In August 2003, the Judicial Council adopted a procedure for prioritizing trial court capital-outlay projects, entitled *Trial Court Five-Year Capital Outlay Plan—Prioritization Procedure and Forms* (2003 Procedure).

<sup>2</sup> The first prioritized list was adopted by the council in February 2004. This prioritized list was modified by project substitutions, allowed by a December 2004 Judicial Council policy and presented in the *Five-Year Infrastructure Plan Fiscal Year 2006–2007*, which was adopted by the council on June 1, 2005. The current prioritized list of trial court capital projects, which is identical to the list adopted on June 1, 2005, is contained in the *Judicial Branch Assembly Bill 1473 Five-Year Infrastructure Plan Fiscal Year 2007–2008*, adopted by the council on February 24, 2006.

## **B. 2004 RCP Ratings**

*Review of Capital Project—Prioritization (RCP)* ratings were designed to measure each of the 16 original criteria in the 2003 Procedure. This prioritization methodology will use the RCP ratings for physical condition, security, and space shortfall (i.e., overcrowding), recorded on the 2004 RCP forms, which were created from implementing the 2003 Procedure. The 2004 RCP ratings were based on information from the Task Force on Court Facilities (the task force) and the 2002 Facilities Master Plans (Master Plans). In this methodology, the 2004 RCP total weighted score for physical condition, security, and space shortfall will be used as a basis for measuring the Physical Condition, Security, and Overcrowding criteria, as outlined in section IV.A. The Overcrowding criterion will be measured by use of either the 2004 RCP rating for space shortfall or, when available, updated information on current area to update the RCP rating. Some courts and the counties have provided updated information on current area through the Senate Bill 1732 facility transfer process.

## **C. Terms Used in Measurement of Access-to-Court-Services Criterion**

This methodology will use the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:

- *Assessed Judgeship Needs (AJN)* is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the council, and then translates the weighted caseload into an assessment of judgeship needs.
- *Authorized Judicial Positions (AJP)* is the current number of judges, commissioners, and referees authorized for each court. AJP does not account for vacancies or temporary subordinate judicial officers.

## **D. Ratings, Points, Scores, and Groups**

The term *rating* applies to the 2004 RCP ratings (defined above) and the relative deficiency in judicial resources (defined above) used as a basis to evaluate each project against the four criteria outlined in section IV.A. A corresponding number of *points*—ranging from 1 to 5—are assigned to ratings for the Physical Condition, Security, and Overcrowding criteria, as indicated in Table 9 below. Points from 0 to 5—in half-point increments—are assigned to the rating percentages for the Access-to-Court-Services criterion in Table 10 below. *Scores* for each project are equal to the sum total of the points for each of the four criteria. Project *groups* result from sorting, based on total project scores. Five project groups will be established based on dividing the range of the actual highest and lowest scores by five, as outlined in Table 12 below. Projects in the highest-scoring group (i.e., Immediate Need) will have scored the highest points relative to other projects and therefore have higher priority.



### III. Prioritizing Projects Based on Program Objectives

Four Judicial Council and trial court capital-outlay program objectives are the basis for establishing focused criteria for the prioritization of trial court capital projects. These criteria will establish the priorities among all projects. The program objectives are the following:

- **To improve security**, as security represents one of the greatest influences on a court's operational costs and its ability to deliver safe, fair, and equal access to justice for all its users.
- **To reduce overcrowding**, as overcrowding hampers a court's ability to provide efficient and fair service to the public, as well as reasonable and adequate facility conditions within which the public and staff conduct court business.
- **To correct physical hazards**, such as fire, health and safety, and seismic hazards.<sup>3</sup> Poor physical conditions are unsafe for both the public and staff, as well as increase operational costs.
- **To improve access to court services** by striving to meet all objectives noted above for those courts that have relatively fewer resources to serve the public.

### IV. Scoring and Evaluation of Projects

#### A. Available Data for Each Criterion

Each of the four objectives indicated above relate to the following specific criteria and available data:

**1. Security criterion**, as measured by a total of the weighted scores for the three security criteria in the 2004 RCP ratings. Security ratings range from a low of 0 to a high of 120, and an example of how the Rating Assigned to Project is determined is shown below in Table 1.

**Table 1. Sample Security Criterion Evaluation Data**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION SECURITY RATING				
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Judicial Staff Circulation	Secure Circulation	Building Security	Total	Rating Assigned to Project
A1	Main Courthouse	80,000	100%	40.00	40.00	40.00	120.00	<b>120.00</b>

<sup>3</sup> Factoring seismic condition into the scoring and evaluation of a project is addressed in section IV.C.

**2. Overcrowding criterion**, which is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the Trial Court Facilities Guidelines prepared by the task force. In this methodology, this criterion is measured by use of either the 2004 RCP rating for space shortfall or, when available, updated information on current area to update the RCP rating. Some courts and the counties have provided updated information on current area through the SB 1732 facility transfer process. Overcrowding ratings range from a low of 0 to a high of 160, and an example of how the Rating Assigned to Project is determined is shown below in Table 2.

**Table 2. Sample Overcrowding Criterion Evaluation Data**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION OVERCROWDING RATING			
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Current Facility Area	Guidelines Area	Total	Rating Assigned to Project
A1	Main Courthouse	80,000	100%	80,000	100,000	32.00	<b>32.00</b>

**3. Physical Condition criterion**, as measured by the total of the weighted scores for overall physical condition, life safety, and Americans with Disabilities Act (ADA) compliance in the 2004 RCP ratings. If proposed legislation is adopted that allows the state to accept transfer of responsibility for or title to court facilities possessing a Seismic Risk Level V—without correction by the counties—then seismic condition will be included as part of the physical condition scores, based on the seismic ratings developed for most buildings as part of the SB 1732 facility transfer process. How seismic condition will be factored into the evaluation of trial court projects is discussed in further detail below. Physical Condition ratings range from a low of 0 to a high of 180, and an example of how the Rating Assigned to Project is determined is shown below in Table 3.

**Table 3. Sample Physical Condition Criterion Evaluation Data**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION PHYSICAL CONDITION RATING			
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Overall Building Physical Condition	Life Safety	ADA Compliance	Rating Assigned to Project
A1	Main Courthouse	80,000	100%	61.00	30.00	30.00	<b>121.00</b>

**4. Access-to-Court-Services criterion**, as measured by the relative deficiency in judicial resources among the 58 superior courts. This deficiency will be expressed as the current need for judicial resources in a percentage—the difference between AJN and AJP—as a percentage of AJP. This criterion is not project specific but a countywide measure that will be included as part of the total score for each project in a county.<sup>4</sup> The most updated AJN and AJP data will be provided by the AOC Office of Court Research. Rating percentages for the Access-to-Court-Services criterion range from more than 100 percent to less than –80 percent, and an example of how the Rating Assigned to Project (Current Need—Percentage of AJP) is determined is shown below in Table 4.

**Table 4. Sample Access-to-Court-Services Criterion Evaluation Data**

<u>County</u>	<u>AJN</u>	<u>AJP</u>	<u>AJN-AJP</u>	<u>Rating Assigned to Project (Current Need—Percentage of AJP)</u>
Northern County	16	11	5	45%

#### **B. Level 1 Buildings**

*Level 1* is a term that was initially developed by the task force to label or categorize facilities possessing limited value as real estate assets. Level 1 buildings were therefore not incorporated into any long-term solutions to court facility problems. The task force did not survey or develop any numerical evaluation of the physical or functional conditions of Level 1 buildings.

There are approximately 54 trial court projects that affect Level 1 buildings. In this methodology, ratings for all Level 1 buildings will be the average rating for each criterion, derived from the 2004 RCP scores of all buildings affected by the projects in the previously adopted list of 201 trial court capital projects.

The ratings to be applied to Level 1 buildings are presented in Table 5 and would receive 3 corresponding points each, by falling within the middle range of ratings (i.e., 49–72 for Security; 65–96 for Overcrowding; and 71–105 for Physical Condition) indicated in Table 9. As points assigned to the Access-to-Court-Services criterion are established by a countywide measure and are not project specific, they remain consistent whether one or more Level 1 buildings are affected by a project.

<sup>4</sup> Consistent and readily available case filings for each superior court location are not available for use in this methodology.

**Table 5. Ratings Applied to Level 1 Buildings**

<b>Criterion</b>	<b>Average 2004 RCP Score</b>	<b>Maximum Possible Score</b>
Security .....	62.15	120
Overcrowding .....	81.52	160
Physical Condition.....	65.34	180

**C. Seismic Condition**

If proposed legislation is adopted that allows the state to accept transfer of responsibility for or title to court facilities evaluated by the AOC to have a Seismic Risk Level V—without correction by the counties—then the seismic condition of buildings affected by projects will be factored into the evaluation as follows: Projects that replace or renovate a Seismic Risk Level V building will receive the maximum points (i.e., 5 of 5 possible points) for the Physical Condition criterion.

**D. Calculation of RCP Ratings for Projects Affecting More Than One Existing Facility**

For projects affecting only one building, the ratings of the single building will be used as shown above in Tables 1, 2, 3, and 4. In the case of multiple buildings affected by a project, the proportional share of the court-occupied area of each building is used to determine each criterion's rating. As shown below in Tables 6, 7, and 8, the proportional share of court-occupied area of each building is multiplied by the total of each criterion's rating to develop the portion of the rating for that building affected by the project. For each criterion, these portions are then summed to develop the total rating.

**Table 6. Sample Security Criterion Evaluation Data—Multiple Buildings**

<b>BUILDINGS AFFECTED BY CAPITAL PROJECT (2002 FACILITIES MASTER PLAN)</b>				<b>PRIORITIZATION CRITERION SECURITY RATING</b>				
<b>Bldg./ Site I.D.</b>	<b>Existing Facility</b>	<b>BUILDING AREA DATA</b>		<b>Judicial Staff Circulation</b>	<b>Secure Circulation</b>	<b>Building Security</b>	<b>Total</b>	<b>Portion of Rating Assigned to Project</b>
A1	Main Courthouse	80,000	80%	40.00	40.00	40.00	120.00	<b>96.00</b>
B1	Branch Courthouse	20,000	20%	40.00	40.00	00.00	80.00	<b>16.00</b>
<b>Totals.....</b>		<b>100,000</b>	<b>100%</b>					<b>112.00</b>

**Table 7. Sample Overcrowding Criterion Evaluation Data—Multiple Buildings**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION OVERCROWDING RATING			
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Current Facility Area	Guidelines Area	Total	Portion of Rating Assigned to Project
A1	Main Courthouse	80,000	80%	80,000	100,000	32.00	<b>25.60</b>
B1	Branch Courthouse	20,000	20%	20,000	40,000	80.00	<b>16.00</b>
<b>Totals.....</b>		<b>100,000</b>	<b>100%</b>				<b>41.60</b>

**Table 8. Sample Physical Condition Criterion Evaluation Data—Multiple Buildings**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION PHYSICAL CONDITION RATING			
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Overall Building Physical Condition	Life Safety	ADA Compliance	Portion of Rating Assigned to Project
A1	Main Courthouse	80,000	80%	61.00	30.00	30.00	<b>96.80</b>
B1	Branch Courthouse	20,000	20%	75.00	40.00	40.00	<b>31.00</b>
<b>Totals.....</b>		<b>100,000</b>	<b>100%</b>				<b>127.80</b>

## E. Scoring and Evaluation

Projects will be evaluated—relative to one another—based on the ratings of each criterion indicated above. Each criterion is equally weighted, and the maximum possible ratings are translated into points, as described below in Tables 9 and 10.

For Security, Overcrowding, and Physical Condition criteria, points range from 1 to 5, in one-point increments, as illustrated in Table 9.

**Table 9. Assignment of Points to Each Criterion's Range of Possible Ratings**

### Security, Overcrowding, and Physical Condition Criteria

Criterion	Maximum Rating	1 Point	2 Points	3 Points	4 Points	5 Points
Security .....	120	0–24	25–48	49–72	73–96	97–120
Overcrowding .....	160	0–32	33–64	65–96	97–128	129–160
Physical Condition.....	180	0–35	36–70	71–105	106–140	141–180

The point range for the Access-to-Court-Services criterion, as denoted below in Table 10, is from 0 to 5, in half-point increments that reflect the broad range of relative deficiency in judicial resources among the 58 counties.

**Table 10. Access-to-Court-Services Criterion**

Rating Assigned to Project	
(Current Need—Percentage of AJP)	Points Assigned
0% or below	0.0
1–10%	0.5
11–20%	1.0
21–30%	1.5
31–40%	2.0
41–50%	2.5
51–60%	3.0
61–70%	3.5
71–80%	4.0
81–90%	4.5
91–100%+	5.0

The ratings of facilities affected by a project are assigned a specific number of points—ranging from 0 to 5—depending upon the criterion, as outlined in Tables 9 and 10. When a score for a project is calculated, the points for each of the four criteria are added together. The maximum score (i.e., number of points achievable) for a project is 20, and the minimum score is 3. An example of the minimum criteria ratings needed to achieve maximum points and final project score is delineated below in Table 11.

**Table 11. Minimum Criterion Ratings to Achieve Maximum Points and Total Project Score**

<b>Criteria</b>	<b>Minimum Rating to Receive Maximum Points</b>	<b>Points Received</b>
Security .....	97	5
Overcrowding .....	129	5
Physical Condition.....	141	5
Access to Court Services ....	91%	5
<b>Total Score.....</b>		<b>20</b>

Projects with a high number of points are considered to significantly support the key objectives of the Judicial Council and the capital program. Consequently, projects scoring a greater number of points will have a correspondingly higher priority over projects scoring fewer points.

#### **F. Developing Ranked Groups Rather Than a Ranked Projects List**

The concept of grouping projects to develop a final, ranked list of trial court capital projects differs from the previous sequential listing of 201 projects, most recently adopted in February 2006. When this methodology is applied, scored projects will then be placed into one of five ranked groups, as outlined below in Table 12. All projects in each group will have the same priority for implementation, as they similarly support key council and program objectives.

Each group's priority is based on the corresponding range of points that a project might receive. For example, projects addressing all objectives of the capital improvement program in significant ways and receiving the highest point total will fall under the Immediate Need group and will be considered the first eligible for available funding. Each of the other groups—Critical, High, Medium, and Low Needs—represent sets of projects that address fewer of the capital program's objectives.

The list of project groups to be developed by application of this methodology is presented below in Table 12.

**Table 12. Prioritized Groups of Trial Court Capital Outlay-Projects**

<b>Groups</b>	<b>Determination</b>
Immediate Need	Groups are determined by dividing the range of the actual highest and lowest scores into five groups.
Critical Need	
High Need	
Medium Need	
Low Need	

**G. Project Phase Adjustments**

After AOC staff develops a preliminary list of ranked project groups based on applying the methodology described above, staff will then make any necessary adjustments to projects in those groups, concerning phasing relative to the Master Plan implementation plans. The final list of ranked project groups will incorporate any such phasing adjustments.

For example, should the second-phase of a multiphase project fall in a higher ranked group than its first phase, staff will switch the group assignment of those projects, in order to correct the phasing discrepancy. As a result, the first-phase project will move to the higher-ranked group, and the second-phase project will take the place of the first in its lower-ranked group.

These phasing corrections, if required, will be documented in a report to the Judicial Council that details the results of this methodology's application.

**H. No Substitutions of Projects Between Groups**

Substitutions of projects between groups will not be allowed for those within the same county. All project phase corrections will be made by the AOC, as described above.



## V. Funding Process

### A. How Requests for Funding Will Be Determined

For those projects whose affected buildings have transferred from their respective counties to the state, the AOC will recommend funding requests to the council for those within the Immediate Need group first, then from the Critical Need group, and so forth. This process is consistent with directives from the California Department of Finance (DOF), which has indicated that no funding for land acquisition or design will be authorized until a project's affected buildings have transferred to the state. Should more than one project for a county or for a specific area in a county be ranked in the same group, AOC staff will recommend funding beginning with the logical, first-phase project, as indicated in the Master Plan implementation schedule for its respective county. Request for funding for the subsequent projects will be based on funding availability and the application of the process described below in section V.C.

AOC staff recommendations on funding requests for submission to DOF will be presented to the Interim Court Facilities Panel (the panel) for review and approval, prior to submission to the Judicial Council through the annual update of the Judicial Branch's Five-Year Infrastructure Plan. DOF will review these requests and determine whether or not the funding request should be presented in the Governor's budget for consideration by the Legislature. Ultimately, the legislature makes all final determinations on funding requests, subject to veto by the Governor.

### B. Confirming Project Size and Budget

After the council adopts the ranked set of groups, AOC staff will review—with court input—the Master Plan size and budget of each project in order to update and confirm project funding requirements relative to available funding and judgeship needs. Judgeship needs will be based on revised county-level-adjusted judgeship projections that have been developed by the AOC Office of Court Research.

AOC staff will begin this process for projects in the Immediate Need group and then proceed to the lower-need groups as necessary, based on the amount of remaining funding available. In doing so, staff anticipates a reduction in the total funding demand, by eliminating some excess growth. This process is integral to submitting funding requests to the panel for review and recommendation to the council, as described above.

### C. Determination of Funding Requests If Funding Is Limited

Should there be a lack of available funding—within a given capital project funding cycle—to fund all qualifying Immediate Need projects (i.e., those that have affected buildings already transferred to the state), further project selection will be based on additional subcriteria. These subcriteria will be evaluated by AOC staff in this order:

1. Rating for Security criterion;
2. Economic opportunity; and
3. Replacement of leased space for approved new judgeships.

AOC staff will prepare an analysis of these subcriteria for the panel to consider in recommending funding requests, prior to their submission to the council as described above. Each of these subcriteria is defined as follows:

- 1. Rating for Security Criterion.** The first threshold used to select projects whenever funding is limited will be the 2004 RCP rating for security, which is the total of the weighted scores for the three security criteria in the 2003 Procedure. These scores range from a low of 0 to a high of 120. Projects with the highest possible 2004 RCP rating for security will gain funding preference over all other projects within their group. Use of the security rating is consistent with the council and program objective of improving security in court facilities.
- 2. Economic Opportunity.** If available funding cannot support implementation of all the projects with the highest relative 2004 RCP rating for security, then the second threshold used to select projects for funding will be an evaluation of the relative economic opportunity of each eligible project. The relative cost savings and overall cost-effectiveness of both operating and capital costs will be calculated by staff. Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships with other government entities or private parties, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, and building operational costs savings from consolidation of facilities. Consideration of economic opportunity allows the council to request funding—from DOF—for projects that have documented capital or operating savings for the state. AOC staff will work in collaboration with local courts to evaluate and document the economic opportunity of each eligible project.
- 3. Replacement of Leased Space for Approved New Judgeships.** If available funding cannot support implementation of all the projects with both the highest relative 2004 RCP rating for security and the highest economic opportunity, then the third threshold used to select projects for funding will be the determination of whether the project replaces space leased for approved new judgeships. For example, some courts may be able to accommodate a new judge(s) in an available courtroom(s). Those courts that cannot provide space for a new judge(s) will lease the necessary space—a courtroom(s), a judge's chamber(s), and associated staff and public work area(s)—to conduct court proceedings and support all functions of the new judge(s). A project that replaces leased facilities for one or more new judges will get preference for limited funding over a project that does not. Consolidation of judicial and facility resources supports a more cost-effective court system.

## VI. Projects Eligible for Prioritization

### A. Eligible Projects

The methodology will be applied to each project—contained within the previously adopted list of 201 trial court capital projects—that possesses the following characteristics:

- It requires state funding for completion;
- It is defined as a capital-outlay project and is not eligible for funding from the facility modifications program, based on the project scope defined in its Master Plan; and
- It received a 2004 RCP score greater than zero, except in a few specific instances as defined below under section B.1.

### B. Ineligible Projects

The following projects—24 in total—will be eliminated from the previously adopted list of 201 trial court capital projects and will, therefore, be ineligible for prioritization in this methodology:

**1. Projects With a 2004 RCP Score of 0.** The following projects either renovate or expand recently constructed court facilities or do not affect any existing facilities. These projects provide new facilities only to accommodate future growth. These projects will be added to approximately 135 other projects—identified in the Master Plans—that have been designed to accommodate growth well beyond 2010–2015 and have never been prioritized for inclusion in the Judicial Branch Five-Year Infrastructure Plan.<sup>5</sup>

Current State Rank	RCP Score	County	Project	Total Project Cost (January 2006 dollars)
81	0	Sacramento	Renovate Sacramento Wm Ridgeway Family Relations Court	\$ 7,579,000
159	0	San Bernardino	Addition to Juvenile Dependency Court	33,767,000
166	0	Ventura	New Ventura West County Court	63,064,000
184	0	Fresno	New Fresno Civil and Traffic Court	113,800,000
185	0	Fresno	New Fresno Criminal Court	139,983,000
186	0	Glenn	Addition to Willows Court	10,712,000
187	0	Kern	Addition to New Taft Court	10,511,000
188	0	Los Angeles	Complete Michael Antonovich Antelope Valley Court (N)	5,685,000
189	0	Los Angeles	Complete Chatsworth Court (NV)	7,246,000
191	0	Orange	New East County Court	64,831,000
192	0	Placer	Addition to Roseville Court - Phase 2	31,722,000
193	0	Riverside	New Civil Court (Mid-Cnty Reg)	38,151,000
194	0	Riverside	New Riverside Civil Court (W Reg)	58,237,000
196	0	San Benito	Addition to New Hollister Court	11,517,000
199	0	San Diego	New East Mesa Juvenile Court	11,450,000

<sup>5</sup> This methodology will be applied to three projects with RCP scores of 0: Merced—Addition to New Merced Court; San Bernardino—Addition to Joshua Tree Court; and Stanislaus—Addition to Modesto Juvenile Court. These projects are either additions to existing facilities that are not renovated or replaced by a first-phase project, or they consolidate existing court facilities.

**2. Fully Funded Projects.** These projects are fully funded from either state or county funds or by a combination of state and county funds.

Current State Rank	RCP Score	County	Project	Total Project Cost (January 2006 dollars)
3	890	Merced	New Merced Court	\$ 3,040,000
6	498	Fresno	New Fresno Area Juvenile Delinquency Court	22,195,000
27	666	Amador	New Jackson Court	26,860,000

**3. Completed Projects.** This project was completed by the local county government in 2005.

Current State Rank	RCP Score	County	Project	Total Project Cost (January 2006 dollars)
133	282	Nevada	Renovate Truckee Court	\$ 332,000

**4. Renovation Projects Estimated to Cost Less Than \$400,000 and Are Eligible for the Facility Modifications Program.**<sup>6</sup> These projects, owing to their estimated budget and project scope, are eligible for funding through the facility modifications program once the affected building(s) transfers from the local county jurisdiction to the state. An ongoing appropriation is currently available to fund facility modifications, prioritized by the method adopted by the council in December 2005.

Current State Rank	RCP Score	County	Project	Total Project Cost (January 2006 dollars)
76	457	Mariposa	Renovate Mariposa Court	\$ 76,000
132	284	San Diego	Renovate Ramona Court	163,000
153	213	Kings	Renovations to Avenal and Corcoran Courts	321,000
161	166	Kern	Renovate Lake Isabella Court	96,000

**5. Other Projects Requested for Removal by the Courts.** The local court requested removal of this project from the list of 201 trial court capital projects in January 2005, in response to a December 2004 Judicial Council policy that allowed courts to request substitutions among its ranked projects.

Current State Rank	RCP Score	County	Project	Total Project Cost (January 2006 dollars)
60	526	Madera	Renovate Madera Court	\$ 7,476,000

<sup>6</sup> Three additional projects—estimated to cost more than \$400,000 but less than \$1 million—may be eligible for funding in the Facility Modifications program: Imperial—Renovate Winterhaven Court; Kern—Renovate Bakersfield Court; and Santa Barbara—Renovate Jury Assembly. Until these projects are funded through the Facility Modifications program, they will remain on the list of trial court capital-outlay projects and be prioritized based on this methodology. One additional project, Mono—Renovate Bridgeport Court, is estimated to cost more than \$400,000 but less than \$1 million. This project requires additional study to confirm its goals and related scope and will also be prioritized as a trial court capital-outlay project under this methodology.

**6. One Project Added to Revise Project Scope.** A correction in project scope will occur for the Placer/Nevada—New Tahoe/Truckee Regional Court project, which is currently ranked 2 in the previously adopted list of 201 trial court capital projects. This project will be eliminated and then divided into two separate court projects. As a result, the Nevada—New Truckee Court (ranked 105 in the previously adopted list of 201 trial court capital projects), which is the Nevada portion of the project, will be prioritized under this methodology. AOC staff will work with the local court in Placer County to determine the necessary project size and budget for the Placer portion of this former regional court project. Subsequently, this new project will be prioritized under this methodology.

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